IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 10302 of 2004

Between:
1.Vattikuti Rambabu, S/o. Narayana Murthy, (Sy.No.7/1, 8, 6/1, 6/2 - total extent Ac. 7.49 cents). Vella Village, Ramachandra Puram Mandal, E.G. District.
2. Bajawad Ramakrishna, S/o. Soma Raju, (Sy.No.4, 2, 6/1 - total extent Ac. 5.26 cents). Vella Village, Ramachandra Puram Mandal, E.G. District.
3.Dune Venkatakrishna Rao, S/o. Mutchara Rao, (Sy.No.10, 6/1 - total extent Ac. 6.31 cents). Vella Village, Ramachandra Puram Mandal, E.G. District.
4.Sunkarabulli Veera Raju, S/o. Sreenivasu, (Sy.No. 12, 11/1, 11/2, 6/1- total extent Ac. 7.14 cents). Vella Village, Ramachandra Puram Mandal, E.G. District.
5.Dune Raja Babu, S/o. Veera Raju, (Sy.No. 2, 3, 6/1- total extent Ac. 7.14 cents). Vella Village, Ramachandra Puram Mandal, E.G. District.

..... PETITIONERS

AND

1 The Commissioner, Endowments, Tilak Road, Hyderabad.
2 The Assistant Commissioner, Endowments, Rajahmundry, East Godavari District.
3 The Manager, Sri Someswara and Gopala Swamy Temples, Vella Village, Ramachandra Puram Mandal, East Godavari District.
4 The Executive Officer, Sri Someswara and Gopala Swamy Temples, Vella Village, Ramachandra Puram Mandal, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ, order or direction declaring the action of the 3rd

respondent in issuing auction notice dated 14-6-2004 without following the procedure as prescribed in G.O.Ms.No.379 Revenue (ENDTS-I) Dept. dated 11-3-2003 as illegal, arbitrary and unconstitutional and consequently direct the respondents to continue the petitioners in possession of the lands as cultivating tenants

Counsel for the Petitioner: MR.T.NAGARJUNA REDDY

Counsel for the Respondent Nos.1 & 2: GP FOR ENDOWMENTS

Counsel for the Respondent Nos.3 & 4: Smt. Indrani

The Court made the following:

ORDER:

This writ petition is filed by the petitioners, who are five in number, aggrieved by the action of the fourth respondent in proposing to conduct auction without issuing proper notice, by evicting the petitioners from the lands in question.

2. Though the petitioners contended that they are land less poor and they are entitled to the benefits of the Act as well as G.O.Ms.No.379, the said claim is disputed in view of the fact that each petitioner is a tenant in an extent of more than Ac.5.00, whether it is wet or dry.

3. However, the learned counsel for the petitioners contended that though the petitioners are tenants in respect of more than Ac.5.00 each, in view of the circular issued by the Commissioner wherein the Subordinate authorities were directed to allow the tenants to continue in possession up to the limits prescribed in Section 82 (2) of the Act i.e., Ac.2.50 cents of wet land or Ac.5.00 of dry land, the petitioners should be allowed to be in possession of the lands prescribed. But, however, the respondents are taking steps to evict the petitioners in

totality. Therefore, the petitioners sought for appropriate orders.

4. This contention is opposed by the learned Standing Counsel appearing for the fourth respondent. In fact, a counter affidavit is filed stating that auction has already been held on 24.06.2004 as scheduled. Though this Court permitted the auction to go on the same shall be subject to further orders. The leaned counsel also sought time to get instructions with reference to the circular issued by the Commissioner.

5. In any case, it is the matter to be decided by the appropriate authority. Accordingly, the writ petition is disposed of, directing the petitioners to make appropriate representation before the second respondent in terms of the circular sought to be relied upon by them, within a period of ten days from today and on such representation being made by the petitioners, the second respondent is directed to consider the same and pass appropriate orders on merits, taking into account the circular sought to be relied upon by the petitioners.

6. If the petitioners are continuing in possession of the lands in question to the extent of limits prescribed, their possession should not be disturbed till an order is passed by the second respondent.

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01.07.2004

Note: Furnish CC in two days

(B/O)

VGB

To

1 The Commissioner, Endowments, Tilak Road, Hyderabad.

2 The Assistant Commissioner, Endowments, Rajahmundry, East Godavari District.

3 The Manager, Sri Someswara and Gopala Swamy Temples, Vella Village, Ramachandra Puram Mandal, East Godavari District.

4 The Executive Officer, Sri Someswara and Gopala Swamy Temples, Vella Village, Ramachandra Puram Mandal, East Godavari District.

5 2CCs to the Govt. Pleader for Endowments, High Court Buildings, Hyderabad (OUT)

6 2CD copies